Mississippi Department of
Information Technology Services

3771 Eastwood Drive
Jackson, MS 39211-6381
Phone: 601-432-8000
Fax: 601-713-6380
www.its.ms.gov

David C. Johnson, Executive Director

Notice of Intent to Certify Sole Source

To: Interested Parties

From: David C. Johnson

CC: ITS Project Number 46293

Date: May 18, 2021

Re: Sole Source Certification Number 4386 to provide M*Modal Fluency Direct software maintenance and support for the University of Mississippi Medical Center (UMMC)

Contact Name: Justin Faucette

Contact Phone Number: 601-432-8165

Contact E-mail Address: Justin.Faucette@its.ms.gov

Sole Source Certification Award Details

Regarding Information Technology Services (ITS) Sole Source Certification Number 4386 for the University of Mississippi Medical Center (UMMC), please be advised that ITS intends to award 3M Health Information Systems, Inc., as the sole source provider of M*Modal Fluency Direct software maintenance and support through June 30, 2022 in an amount not to exceed $96,815.01. The State intends to competitively re-procure voice recognition transcription/dictation software by June 30, 2022. If the competitive procurement is not complete by June 30, 2022 then this Sole Source certification is valid until a new vendor is select and implemented but shall not go beyond June 30, 2024 without recertification. Please be advised that ITS will determine if additional support or maintenance is within scope during the certification period and may increase the spending authority accordingly. Should 3M Health Information Systems, Inc. change their name during this certification period, then ITS will determine if a recertification is necessary. For an explanation regarding Mississippi state law, policy and procedures for sole source procurements, refer to Attachment C: Sole Source Procurement Overview.

Sole Source Criteria

1. The product or services being purchased must perform a function for which no other product or source of services exist:

   M*Modal Fluency Direct is UMMC's current voice recognition transcription/dictation vendor. The M*Modal Fluency Direct platform requires support and updates to maintain a high level of functionality. As a part of the maintenance and support M*Modal continuously monitors the server performance, provides operating system maintenance and security updates. The application is updated frequently along with ongoing support of the interfaces between M*Modal and the Epic

electronic health record. The customer's sole source certification request is included as Attachment A.

2. The purchaser must be able to show specific business objectives that can be met only through the unique product or services:

M*Modal Fluency Direct is a desktop solution for free-form dictations of medical reports into windows and web based Electronic Medical Records (EMRs). UMMC currently uses Fluency Direct to do front end voice recognition/transcription into the Epic Electronic Health Record. In addition, Fluency Direct can be used outside of the Epic Electronic Medical Record to do voice recognition for medically related letter generation. To date, the utilization of front-end voice recognition has greatly reduced the costs of transcription for the organization and continued use keeps those costs down. M*Modal Fluency Direct was designed to support medical documentation and terminology, allowing it to adapt and support providers across the continuum of care. The M*Modal Platform also allows the use of the mobile app Haiku as a dictation mechanism for Fluency Direct into the patient chart. The customer's sole source certification request is included as Attachment A.

3. The product or services must be available only from the manufacturer and not through resellers who could submit competitive pricing for the product or services:

3M Health Information Systems, Inc. is the sole and exclusive owner of all intellectual property rights in and to the Fluency Direct Software. 3M Health Information Systems, Inc. is the sole and exclusive provider of all support for the Fluency Direct Software (including priority issues) either directly or through a 3M managed subcontractor. 3M Health Information Systems, Inc. is the sole and exclusive provider of updates to the Fluency Direct Software. The Vendor's sole source certification letter is included as Attachment B.

Schedule

Task	Date
First Advertisement Date	05/18/2021
Second Advertisement Date	05/25/2021
Response Deadline From Objectors	06/02/2021 at 3:00 P.M. Central Time
Notice of Award/No Award Posted	Not before 06/03/2021

Project Details

UMMC originally procured M*Modal Fluency Direct platform via the Vizient Healthcare Group Purchasing Organization (GPO) in 2015. It was determined that the CAPD, CDE and NLU components are not on the Vizient GPO and therefore had to be procured separately. CAPD, CDE, and NLU are unique so the procurement method was changed to sole source. In June 2019, ITS issued Notice of Intent to Certify Sole Source Number 4194 for M*Modal Catalyst NLU Platform enterprise license, software maintenance, and support through June 30, 2021, and received no objections. Though the CAPD, CDE, and NLU components are no longer in use, maintenance and support for the M*Modal Fluency Direct platform is not available through the Vizient GPO and must be purchased through sole source procedures. UMMC has spent $6,827,472.48 to date.

Submission Instructions and Format of Response from Objecting Parties

Interested parties who have reason to believe that the M*Modal Fluency Direct software maintenance and support should not be certified as a sole source should provide information in the following format for the state to use in determining whether or not to proceed with awarding the Sole Source contract to 3M Health Information Systems, Inc..

  1.1   Interested Party Information

     1.1.1   Contact Name, Phone Number and email address

     1.1.2   Company Website URL, if applicable

  1.2   Objection to Sole Source Certification

     1.2.1   Interested parties must present specific objections to the Sole Source certification using the criteria listed above.

     1.2.2   A statement regarding the Interested Party's capabilities as related to this Sole Source Certification Request.

  1.3   Comments will be accepted at any time prior to Wednesday, June 2, 2021, at 3:00 p.m. (Central Time) to Justin Faucette at Justin.Faucette@its.ms.gov or at the Mississippi Department of Information Technology Services, 3771 Eastwood Drive, Jackson, Mississippi 39211. Responses may be delivered by hand, via regular mail, overnight delivery, e-mail or by fax. Fax number is (601) 713-6380. ITS WILL NOT BE RESPONSIBLE FOR DELAYS IN THE DELIVERY OF RESPONSES. It is solely the responsibility of the Interested Parties that responses reach ITS on time. Interested Parties may contact Justin Faucette to verify the receipt of their Responses. Responses received after the deadline will be rejected.

  1.4   Interested Party responses should include the following information:

> **SUBMITTED IN RESPONSE TO**
> **Sole Source Certification No. 4386-46293**
> **Accepted until June 2, 2021 @ 3:00 p.m.,**
> **ATTENTION: Justin Faucette**

If you have any questions concerning the information above or if we can be of further assistance, please contact Justin Faucette at 601-432-8165 or via email at Justin.Faucette@its.ms.gov.

Attachment A: Customer Sole Source Certification Request
Attachment B: Vendor Correspondence
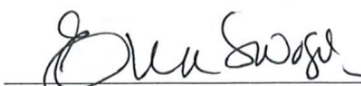Attachment C: Sole Source Procurement Overview

ITS

mississippi department of
Information Technology Services

Sole Source Certification Request

Project Title: M*Modal Fluency Direct software maintenance and support	**Stimulus (ARRA) Funds? Yes_ No _X_**

Customer Contact Information

Agency/Public University: University of Mississippi Medical Center **Address**: 2500 North State Street, Jackson, MS 39216	**Contact Person: Ellen Swoger** **Phone: 601-815-9847** **Email Address: eswoger@umc.edu**
MAGIC Customer Number (only required from state agencies)**:** **5000000052**	**Division/Dept.:** **Handmail:** ☒ **Yes** ☐ **No**

Project Summary *Narrative Description of Project* (include details of original acquisition if applicable): Support and maintenance for the M*Modal Fluency Direct software platform

ITS Acquisition Approval (CP-1) should be effective through this date (Please allow time for all vendor invoices to be paid):

Cost Estimates *Fiscal Year*	*Initial Costs*	*Ongoing Costs*	**Time Constraints** Item Needed by: November 1 Funds Expire: October 31	**Anticipated Lifecycle of Products/System** (i.e. estimated years of effective use):
FY22		**$96,815.01**	**Discuss Funding** (e.g. how much of needed funding is definite; total project budget; any matching or other non state funds). 100% funded by Net Patient Revenue	
Total		**$96,815.01**		

Acquisition Details

Items Requested	**Quantity**	**Description**	**Building Location(s)**
Maintenance and Support	**1**		

Describe platform & infrastructure (connectivity; software/hardware platforms; utilization of State Data Center resources: mainframe, eGovernment portal, payment engine, document management, hosting). For equipment or hosting outside the State Data Center, attach justification:

Progress to Date: What has been done related to this project, including any communication with ITS staff (data/voice/procurement/other)? A procurement request was submitted for this project.

Sole Source Certification   Note: Certification must be renewed for each revision or continuation of previous Sole Source Approvals.

Specific business requirements to be met by the requested products or services: M*Modal Fluency Direct is a desktop solution for free-form dictations of medical reports into windows and web based Electronic Medical Records (EMRs). UMMC currently uses Fluency Direct to do front end voice recognition/transcription into the Epic Electronic Health Record. In addition, Fluency Direct can be used outside of the Epic Electronic Medical Record to do voice recognition for medically related letter generation. To date, the utilization of front-end voice recognition has greatly reduced the costs of transcription for the organization and continued use keeps those costs down. M*Modal Fluency Direct was designed to support medical documentation and terminology, allowing it to adapt and support providers across the continuum of care. The M*Modal Platform also allows the use of the mobile app Haiku as a dictation mechanism for Fluency Direct into the patient chart.

Explain why these products or services are the only ones that can meet your needs (include unique features/special functionality)**:**
M*Modal Fluency Direct is UMMC's current voice recognition transcription/dictation vendor. The M*Modal Fluency Direct platform requires support and updates to maintain a high level of functionality. As a part of the maintenance and support M*Modal continuously monitors the server performance, provides operating system maintenance and security updates. The application is updated frequently along with ongoing support of the interfaces between M*Modal and the Epic electronic health record.

Explain why the source is the only entity that can provide the products or services (Include other products/vendors researched or evaluated)**:** 3M Health Information Systems, Inc. is the sole and exclusive owner of all intellectual property rights in and to the Fluency Direct Software. 3M Health Information Systems, Inc. is the sole and exclusive provider of all support for the Fluency Direct Software (including priority issues) either directly or through a 3M managed subcontractor. 3M Health Information Systems, Inc. is the sole and exclusive provider of updates to the Fluency Direct Software.

Vendor's Certification of Sole Source attached: ☒ **Yes** ☐ **No**	**Vendor's proposal submitted:** ☒ **Yes** ☐ **No**

MAGIC Vendor Code(s) Vendor must be in MAGIC before a CP-1 can be issued.

Place Order To	Remit To
Vendor Name: 3M Health Information Systems, Inc.	**Vendor Name: 3M Health Information Systems, Inc.**
Vendor Address: PO Box 120881, Dallas, TX 75312	**Vendor Address: PO Box 120881, Dallas, TX 75312**

By my signature, I certify that, to the best of my professional knowledge: the requested product or services are a sole source as outlined in the ITS Procurement Handbook, Rule 207.2:013-030 Procurement Types: Sole Source, and as outlined in Mississippi Code annotated Section 31-7-13. In addition, I acknowledge that there is a charge for ITS procurement services associated with this request which will be billed to the requestor by ITS and that my agency/public university is responsible for these charges/costs.

Ellen Swoger / CIO-Applications
Name (Agency Head or Public University CIO)/Title

_____   5/17/21
Signature   Date

3M March 23, 2021

University of Mississippi Medical Center ("UMMC")
2500 North State Street
Jackson, MS 39216
Attn: Ellen Swoger, CIO Applications

Dear Ms. Swoger:

This letter is to confirm that, while 3M cannot claim sole source for the 3M™ M*Modal Fluency Direct Software, 3M is:

(a) the sole and exclusive owner of all intellectual property rights in and to the Fluency Direct Software; and

(b) the sole and exclusive provider of every level of support for the Fluency Direct Software (including priority issues) either directly or through a 3M managed subcontractor ; and

(c) the sole and exclusive producer of updates to the Fluency Direct Software.

Additionally, while there may be other speech tools on the market that offer similar functionality, none of these products are offered with the depth of Natural Language Understanding capabilities that 3M M*Modal solutions have. 3M M*Modal's speech engine is 3M M*Modal's own proprietary engine for Fluency Direct.   3M is also the only company who can offer inherent integration of Fluency Direct within your other 3M products (such as 3M™ 360 Encompass™ System Software).

Sincerely,

John C. Mathison

John C. Mathison

VP, HIS Operations
3M Health Information Systems, Inc.

Site ID: 2540066

Attachment C

The acquisition of information technology for all state agencies and institutions of higher learning (IHLs) is within the scope of the ITS law, found in Mississippi Code Section 25-53-1, et seq., and the policies and procedures established in accordance with this statute, found in the ITS Procurement Handbook posted on the ITS website (www.its.ms.gov).

ITS enabling legislation requires that information technology hardware, software and services be acquired in a manner that insures the maximum of competition among all manufacturers and suppliers of such equipment and services. Accordingly, ITS promotes full and open competition through the issuance of open specifications and the objective evaluation of Interested Party proposals to determine the lowest and best offering to meet an agency's or public university's business requirements. True competition protects the integrity and credibility of purchasing in the public sector and is essential in providing best value and adequate contractual protection for the purchasing entity. In certain limited situations, information technology acquisitions may be sole-sourced.

ITS utilizes the provisions of Public Purchasing Law for Sole Source and Emergency procurements of information technology. Mississippi Public Purchasing Law (Mississippi Code Section 31-7-13) specifies that noncompetitive items available from one source only be exempted from bid requirements (sole-sourced). ITS statute, in Section 25-53-5 (p), permits ITS to utilize provisions in Public Purchasing Law or regulations, when applicable.

Per Public Purchasing law, acquisitions must meet the following criteria to be authorized as sole source:

1.   The product or services being purchased must perform a function for which no other product or source of services exists,

2.   The purchaser must be able to show specific business objectives that can be met only through the unique product or services, AND

3.   The product or services must be available only from the manufacturer and NOT through resellers who could submit competitive pricing for the product or services. The vendor's correspondence regarding this criterion for this project is included as Attachment B.

By policy as documented in the ITS Procurement Handbook, acquisitions of IT services must include the following information to be authorized as sole source:

1.   An explanation about why the amount to be expended is reasonable, and

2.   An explanation regarding the efforts by the purchaser to obtain the best possible price.

For state agencies, approval of all technology purchases with a lifecycle cost of $5,000 or less, including sole source purchases, has been delegated to the agency. The ITS Procurement Limits Policies for Agencies (a section in the ITS Procurement Handbook) require a minimum of two competitive written bids or proposals for technology purchases with a lifecycle cost over $5,000 but not over $50,000 (not over $25,000 for projects funded by the American Recovery and Reinvestment Act). Since, for single source items, the procuring agency will be unable to obtain two written bids, ITS must certify all sole source acquisitions of information technology with a lifecycle cost greater than $5,000.

Institutions of Higher Learning (IHLs) or public universities have been delegated the authority to certify sole source procurements up to $250,000 lifecycle cost under the ITS Procurement Limits Policies for IHLs (a section in the ITS Procurement Handbook). For the certification of sole source procurements delegated to the CIOs at public universities, the public university must follow ITS' Sole Source Procedure, including advertisement of the intent to award as sole source. Institutions certifying a sole source purchase must ensure the criteria listed above are met and documented in writing by the institution and the Interested Party prior to certifying a product or service as sole source. Sole source documentation must be reviewed and approved by the IHL's CIO for any sole-source certification

above $5,000. All sole source documentation should be retained in the public university's procurement file. Sole source requests above $250,000 lifecycle cost require ITS approval.

Other than the delegations outlined above, all sole source technology procurements must be certified by ITS. The customer's Sole Source Certification Request for this project is included as Attachment A.

ITS thoroughly reviews Sole Source Certification Requests, determining if competing products and/or services exist. If so, ITS conducts a competitive procurement. If ITS' review confirms the sole source, then a Sole Source advertisement is issued, giving other Interested Parties an opportunity to identify competing products and/or services. Based upon the results of the Sole Source advertisement, ITS will either certify the request as a sole source or conduct a competitive procurement.